IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.864 OF 2005

IN

APPEAL FROM ORDER (STAMP) NO.15240 OF 2005

IN

EXECUTION APPLICATION NO.494 OF 2003

IN

B.C.C.C. SUMMARY SUIT NO.5395 OF 2002

WITH

CIVIL APPLICATION NO.865 OF 2005

B.E.S.& T. Undertaking ...Applicant

Versus

Sunil Janardan Khatu & Anr. ...Respondents

.....

Mr.Harinder Toor i/b Crawford Bayley & Co.

for Applicant.

Respondent No.1 present in-person.

.....

CORAM: A.M.KHANWILKAR, J.

APRIL 26, 2006.

P.C.

1. Heard Counsel for the Applicant. The Respondent No.1 has appeared in-person. He had appeared in-person even on the last occasion, but took time to engage Advocate. He has still not engaged Advocate nor any reply has been filed to controvert the assertions made in the Application. Respondent No.2 has not appeared inspite of notice. In the circumstances, I have no option but to proceed with the hearing of this application.

2. After perusing the application, I am of the view that explanation offered in the Application being sufficient cause for condoning delay of 131 days, application allowed in terms of prayer clause (a).

3. Appeal be registered and listed for admission on 4th May 2006.

4. Respondent No.1 has taken notice that the Appeal, if required, will be finally disposed of at the scheduled date of hearing.

A.M.KHANWILKAR, J.